

May 5, 2003

Re: MDR #: M2-03-0783-01
IRO Certificate No.: 5055

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to ___ for an independent review. ___ has performed an independent review of the medical records to determine medical necessity. In performing this review, ___ reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is Board Certified in Orthopedic Surgery and Spine Surgery.

Clinical History:

This female claimant suffered a cervical and lumbar injury as the result of a work-related injury on _____. She has had exhaustive investigations for degenerative disc disease in the cervical spine and lumbar spine. She is status post lumbar fusion in 1993. Currently, the patient is functioning on medications, such as OxyContin, Duragesic, Soma and Zoloft. Multiple references are made in the medical records to positive Waddell's signs. Studies have shown a bulging disc at L4-5. Chronic pain syndrome and depression are noted throughout the chart.

Disputed Services:

Lumbar discogram.

Decision:

The reviewer agrees with the determination of the insurance carrier. The reviewer is of the opinion that the lumbar discogram is not medically necessary in this case.

Rationale for Decision:

Lumbar discography should be performed to North American Spine Society Guidelines and indications. The studies reported in literature that supports lumbar fusion for discogenic pain syndrome typically reflect a well-selected group of patients.

Patients with positive Waddell's signs, heavy drug usage, and who are depressed, make poor candidates for any type of medical intervention, and particularly lumbar fusion.

This patient is not an appropriate surgical fusion candidate due to lack of significant morphological pathology on MRI or myelogram, functional overlay, and her depression and excessive drug use.

I am the Secretary and General Counsel of ____ and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by ____ is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings **within twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) days** after it was mailed (28 Tex. Admin. Code 102.4(h) or 102.5 (d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings
Texas Workers' Compensation Commission
P.O. Box 40669
Austin, TX 78704-0012

A copy of this decision should be attached to the request. The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute.

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on May 5, 2003.

Sincerely,